

REMARKS/ARGUMENTS

Claims 1-3, 5-10, 12-17, 19-21, and 63-72 are pending. In the previous Office Action, the Examiner rejected the independent claims under 35 U.S.C. 103(a) as being unpatentable over Paul (2005/0047334) in view of Aimoto (6,144,636). The Examiner has considered the remarks in the previous response to Office Action and has found them to be persuasive. However, the Examiner is now issuing a nonstatutory double patenting rejection. Independent claims 1, 63, 67, and 70 are provisionally rejected on the grounds of nonstatutory double patenting over independent claims 1, 4, 11, 19, 20, 21, 22, and 23 of copending application no 10/777,886.

A terminal disclaimer is being provided herewith to overcome the rejection. The Examiner also objected to claims 5, 12, and 19 because of informalities. Claims 5, 12, and 19 have been amended to address informalities.

In light of the above remarks, the rejections to the independent claims are believed overcome for at least the reasons noted above. Applicants' Representative believes that all pending claims are allowable in their present form. If the Examiner has any questions or concerns for Applicants' Representative, the Examiner is encouraged to contact the undersigned at the number provided below.

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

/ Audrey Kwan/

G. Audrey Kwan
Reg. No. 46,850

Weaver Austin Villeneuve & Sampson, LLP
P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100